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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-812**

13 **TABITHA SALAZAR CRANDON**
14 **27575 Edgemont Drive**
15 **Corona, CA 92883**

A C C U S A T I O N

16 **Registered Nurse License No. 430370**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1988, the Board of Registered Nursing issued Registered
24 Nurse License Number 430370 to Tabitha Salazar Crandon (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on June 30, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

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10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

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13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

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17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
19 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,
or self-administration of any of the substances described in subdivisions (a) and (b) of
22 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
23 the conviction is conclusive evidence thereof.

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REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COSTS

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(July 30, 1998 Criminal Convictions for Driving Under the Influence)**

3 14. Respondent has subjected her license to disciplinary action under sections 490 and
4 2761, subdivision (f) of the Code in that Respondent was convicted of crimes that are
5 substantially related to the qualifications, functions, and duties of a registered nurse. The
6 circumstances are that on or about July 30, 1998, in a criminal proceeding entitled *People of the*
7 *State of California v. Tabitha Salazar Crandon*, in Orange County Superior Court, case number
8 98WM03320, Respondent was convicted of violating Vehicle Code sections 23152, subdivision
9 (a), driving under the influence of alcohol; and Vehicle Code section 23152, subdivision (b),
10 driving with a blood alcohol concentration (BAC) of 0.08% or more, misdemeanors

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(February 18, 2004 Criminal Conviction for DUI w/Collision on June 19, 2003)**

13 15. Respondent has subjected her license to disciplinary action under sections 490 and
14 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
15 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
16 follows:

17 a. On or about February 18, 2004, in a criminal proceeding entitled *People of the*
18 *State of California v. Tabitha Salazar Crandon*, in Orange County Superior Court, case number
19 03WM08169, Respondent was convicted of violating Vehicle Code section 23152, subdivision
20 (a), driving under the influence of alcohol, a misdemeanor. The court found true that Respondent
21 committed the same offense, as detailed in paragraph 14, above, within the meaning of Vehicle
22 Code section 23540. The conviction was enhanced under Vehicle Code section 23577, by
23 Respondent's refusal to submit to a chemical test; and under Vehicle Code section 23578, for
24 driving with a BAC of .20 percent or more. An additional count of violating Vehicle Code
25 section 23152, subdivision (b), driving with a BAC of 0.08% or more, was dismissed pursuant to
26 a plea agreement.

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1 b. As a result of the conviction, on or about February 18, 2004, Respondent was
2 sentenced to 75 days in the Orange County Jail, and three years informal probation. Respondent
3 was further ordered to complete an 18-month Multiple Offender Alcohol Program; attend a
4 MADD Victim Impact Panel; pay \$677 in fees, fines, and restitution; and comply with the terms
5 of enhanced DUI probation. Respondent's driver's license was revoked for one year, and she was
6 ordered to pay restitution to the victim.

7 c. The facts that led to the conviction are that on or about June 19, 2003,
8 Respondent drove a vehicle while under the influence of alcohol and caused a collision.
9 Respondent's BAC was found to be .26 percent.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(September 20, 2007 Criminal Conviction for DUI w/Collision on February 16, 2007)**

12 16. Respondent has subjected her license to disciplinary action under sections 490 and
13 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
14 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
15 follows:

16 a. On or about September 20, 2007, in a criminal proceeding entitled *People of the*
17 *State of California v. Tabitha Salazar Crandon*, in Riverside County Superior Court, case number
18 SWM061302, Respondent was convicted of violating Vehicle Code section 23152, subdivision
19 (b), driving with a BAC of 0.08% or more. The court found true that Respondent committed the
20 same offenses previously within seven years, as detailed in paragraphs 14 and 15, above, within
21 the meaning of Vehicle Code section 23540. Respondent's conviction was enhanced in that the
22 court found her BAC to be .15 percent or more, pursuant to Vehicle Code section 23578. An
23 additional count of violating Vehicle Code section 23152, subdivision (a), driving under the
24 influence of alcohol, a misdemeanor, was dismissed pursuant to a plea agreement.

25 b. As a result of the conviction, on or about September 20, 2007, Respondent was
26 sentenced to 120 days in the custody of the Riverside County Sheriff, with credit for two days,
27 and five years summary probation (until September 18, 2012). Respondent was further ordered to
28 complete an 18-month Second Offender Drinking Driver Program; pay \$2,145 in fees, fines, and

1 restitution; and comply with the terms of enhanced DUI probation, including abstention from
2 alcohol and the requirement to install an ignition interlock device on all vehicles she operated.

3 c. The facts that led to the conviction are that on or about the evening of February
4 16, 2007, a California Highway Patrol (CHP) officer came upon a traffic collision on Interstate 15
5 near Temecula. Respondent was found sitting in her vehicle in a ditch being treated by
6 emergency personnel. She could not remember how she got there and thought she was in Corona,
7 approximately 35 miles away. A witness stated that he observed Respondent driving in the
8 number one lane, swerving from side to side as she drove down the interstate. He called 9-1-1
9 several times and stayed behind her because he felt she was going to crash. Suddenly,
10 Respondent swerved to the left and collided with the concrete center divider, then swerved right
11 across several lanes of traffic, and drove off the interstate into a ditch. Several other witnesses
12 corroborated his account of events. Upon contact with Respondent, the CHP officer noted a
13 strong odor of an alcoholic beverage emitting from her person, her eyes were red and watery, and
14 her speech was slow and slurred. Respondent stated she had consumed two glasses of wine. A
15 witness and the officer had to assist Respondent from her vehicle to the shoulder of the road.
16 Respondent could not keep her balance and had to lean on the patrol vehicle for support.
17 Respondent was too intoxicated to complete the field sobriety tests as explained and demonstrated
18 by the officer. Respondent was arrested for driving under the influence of alcohol.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)**

21 17. Respondent has subjected her registered nurse license to disciplinary action under
22 section 2762, subdivision (b) of the Code, for unprofessional conduct, in that on or about
23 February 16, 2007, June 19, 2003, and in 1998, as described in paragraphs 14-16, above,
24 Respondent used alcoholic beverages to an extent or in a manner that was dangerous and
25 injurious to herself, and potentially dangerous to others in that she operated a motor vehicle with
26 a significantly high BAC, and caused collisions on two occasions.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Conviction of Alcohol-Related Criminal Offenses)**

3 18. Respondent has subjected her registered nurse license to disciplinary action under
4 section 2762, subdivision (c) of the Code, for unprofessional conduct, in that on or about
5 September 20, 2007, February 18, 2004, and July 30, 1998, as described in paragraphs 14-16,
6 above, Respondent was convicted of criminal offenses involving the consumption and/or self-
7 administration of alcohol.

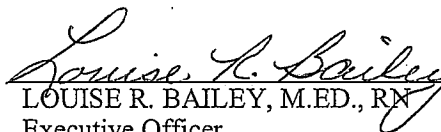
8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 430370, issued to Tabitha
12 Salazar Crandon;
- 13 2. Ordering Tabitha Salazar Crandon to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: _____

3/28/11

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19 LOUISE R. BAILEY, M.ED., RN
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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